

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DUANE A. NAILOR,

Petitioner,

v.

FISHER, Warden,

Respondent.

Case No. 20-00724 BLF (PR)

**ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO FILE
TRAVERSE; DIRECTING
RESPONDENT TO RE-SERVE
ANSWER ON PETITIONER**

(Docket No. 13)

Petitioner, a state prisoner proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his state conviction in Alameda County Superior Court. Dkt. No. 1. On August 10, 2020, Respondent filed an answer. Dkt. No. 9. According to the Court's order of service, Petitioner had thirty days thereafter to file a traverse, i.e., no later than September 9, 2020. Dkt. No. 6.

After mail¹ sent to Petitioner at Valley State Prison was returned as undeliverable, Dkt. No. 11, the mail was resent to Petitioner at the Correctional Training Facility ("CTF") in Soledad, as his current place of confinement, on September 2, 2020. Dkt. No. 12. On October 13, 2020, Petitioner filed a notice that Respondent had not filed an answer by the

¹ This mail contained a copy of the Court's order granting Respondent's motion for an extension of time to file answer. Dkt. Nos. 8, 11.

1 due date indicated in the Court's Order of Service. Dkt. No. 13. He was apparently
2 unaware at that time that Respondent had been granted an extension of time and that the
3 answer had subsequently been filed.

4 On October 20, 2020, presumably after he received the last court order, Petitioner
5 filed a motion for an extension of time to file a traverse and a notice of change of address,
6 stating that after surgery at Fresno Hospital in May 2020, he was transferred to CTF in
7 June 2020. Dkt. No. 13 at 2. Petitioner requests that the Court provide him with a copy of
8 the Respondent's answer which he never received. *Id.* at 2. The Certificate of Service
9 filed by Respondent along with their answer indicates that Petitioner's copy was mailed to
10 Valley State Prison on August 10, 2020. Dkt. No. 9 at 3.


11 Good cause appearing, Petitioner's motion for an extension of time is GRANTED.
12 Petitioner shall file a traverse to Respondent's answer **no later than sixty (60) days from**
13 **the date this order is filed.**

14 The Court directs Respondent to re-serve their Answer and all related documents to
15 Petitioner at CTF and file notice of their compliance with this order **no later than**
16 **fourteen (14) days from the date this order is filed.**

17 This order terminates Docket No. 13.

18 **IT IS SO ORDERED.**

19
20 Dated: October 22, 2020


BETH LABSON FREEMAN
United States District Judge